

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re 53(b) Continuation Application of)
Application No. 09/985,361)
Inventors: Cyril J. SCHWEICH, Jr. et al.) Group Art Unit: Not yet assigned
Filed: February 14, 2002) Examiner: Not yet assigned
For: HEART WALL TENSION)
REDUCTION APPARATUS)
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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed with the filing of the above-referenced application.

Copies of the documents listed on the attached PTO Form 1449 were previously either submitted by Applicants or cited by the Examiner in prior applications, U.S. Application No. 09/985,361, filed November 2, 2001, U.S. Application No. 09/697,597, filed October 27, 2000, now U.S. Patent No. 6,332,864; U.S. Application No. 09/492,777, filed January 28, 2000, now U.S. Patent No. 6,162,168; and U.S. Application No. 08/778,277, filed January 2, 1997, now U.S. Patent No. 6,050,936, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Therefore, in accordance with 37 C.F.R. §1.98(d), copies of these documents are not submitted herewith. Should the Examiner need a copy of any of the documents listed, the



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Examiner is invited to telephone the undersigned at (202) 408-4445 and such copy will be provided. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

By: 

Leslie I. Bookoff
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